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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,686	02/22/2002	Faruk Mehmet Omer Eryurtlu	Eryurtlu -3	3747
7590 11/28/2005			EXAMINER	
Lucent Technologies Inc Docket Administrator Room 3J 219 101 Crawfords Corner Road Holmdel, NJ 07733-3030			TORRES, JOSEPH D	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,686

Applicant(s)

ERYURTLU, FARUK MEHMET
OMER

Examiner

Joseph D. Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/14/2005 have been fully considered but they are not persuasive.

The Examiner updates the rejection of claim 1 for the Applicant's convenience to include the Examiner's response to the Applicant's arguments.

Updated rejection to claim 1.

Urano teach teaches a video signal error detection system comprising a first comparator for comparing macroblocks in successive frames output from said decoder and applying said specific difference criteria to provide an indication of whether inter-frame prediction should apply or not (col. 19, lines 5-49 in Urano teach that Mode Discriminator 160 in Figure 31 includes calculators 440, 445, 446 and 452 are comparators comparing the current macroblocks SMB2, U2B and S2B to specific reference macroblock to produce a dispersion value indicative of the difference, i.e., a specific difference criteria, between the current macroblocks SMB2, U2B and S2B and reference macroblocks the dispersion value used to indicate whether six types of inter-frame prediction should apply or whether intra-frame prediction applies), and a second comparator for comparing the indication from the first comparator with said mode indicator signal (col. 19, lines 5-49 in Urano teach that Dispersion Value Comparator 454 in Figure 31 of Urano compares all of the dispersion values from calculators 438, 440, 445, 446 and

452 to each other, the smallest dispersion value being said mode indicator signal indicative of whether or not the last received macroblock was encoded in inter-frame prediction format or not), the second comparator being operative to generate an error signal when a divergence is detected (Dispersion Value Comparator 454 in Figure 31 of Urano produces an MBT signal indicative of the least amount of divergence, i.e., the least amount of error, is detected).

In addition, motion compensation inter-frame linear prediction is an error concealment means responsive to the MBT signal indicative of the least amount of divergence produced by Dispersion Value Comparator 454 in Figure 31 of Urano.

Note also, first comparators 440, 445, 446 and 452 in Figure 31 of Urano is a mode decision circuit indicative of inter-frame prediction or no inter-frame prediction, i.e., intra-frame prediction.

The Applicant contends that the preamble should be given patentable weight, i.e., "indicative of whether or not the last received macroblock was encoded in inter-frame prediction format" and "encoded video signals".

The Examiner disagrees, but would like to point out that even if the Examiner were to give patentable weight, col. 19, lines 5-49 in Urano explicitly Dispersion Value Comparator 454 in Figure 31 of Urano compares all of the dispersion values from calculators 438, 440, 445, 446 and 452 to each other, the smallest dispersion value being a mode indicator signal indicative of whether or not the last received macroblock was encoded in inter-frame prediction format or not.

In addition, the last line in the abstract teaches an MPEG-2 compliant encoder, i.e., "encoded video signals".

All amendments and arguments by the applicant have been considered. It is the Examiner's conclusion that claims 1-3 and 5 are not patentably distinct or non-obvious over the prior art of record in view of the reference, Urano; Takashi et al. (US 5767898 A, hereafter referred to as Urano) as applied in the last office action, filed 07/28/2004. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Urano; Takashi et al. (US 5767898 A, hereafter referred to as Urano).

35 U.S.C. 102(b) rejection of claims 1-3 and 5.

See the Non-Final Action filed 07/28/2004 for detailed action of prior rejections.

Allowable Subject Matter

3. Claim 6 is allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOSEPH TORRES
PRIMARY EXAMINER

Joseph D. Torres, PhD
Primary Examiner
Art Unit 2133